

09/681,874

Customer NO. 022844

PATENT

OFFICIAL  
UNOFFICIAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Donald James Lewis

Serial No: 09/681,874

Group Art Unit: Unknown

Filed: June 20, 2001

Examiner: Unknown

Title: SYSTEM AND METHOD FOR CONTROLLING CATALYST STORAGE CAPACITY

FAX RECEIVED

DEC 17 2002

PETITIONS OFFICE

☒ **CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service  
with sufficient postage as first class mail in an envelope  
addressed to Assistant Commissioner for  
Patents, Washington, D.C. 20231.

December 17, 2002  
Date

## FACSIMILE

☒ transmitted by facsimile to  
the Patent and Trademark Office  
Fax No: (703) 308-6919  
Total No. of Pages: 9

*Maria Less*  
Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: OFFICE OF PETITIONS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE COMMUNICATION**

Sir:

Pursuant to 37 CFR §1.181, MPEP §711.03(c)(II), and the Court's holding in *Delgar v. Schulyer* 172 USPQ 513 (D.D.C. 1971) Applicants hereby petition for withdrawal of the holding of abandonment based on a failure to receive an office communication setting a period for response. A Notice of Abandonment was mailed on September 30, 2002 for failing to respond to a Notice to File Missing Parts that Patent Office records indicate was mailed on June 29, 2001, but was never received by Applicants' attorneys. Consistent with *Delgar v. Schulyer*, Applicants respectfully request that the holding of abandonment be

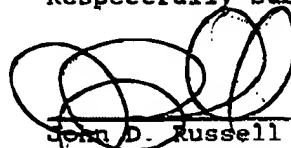
✓  
withdrawn and a new Notice to File Missing Parts be issued setting a new period for response.

Applicants respectfully request consideration of this petition on its merits although it is being filed more than 2 months from the date of mailing of the Notice of Abandonment since an appropriate terminal disclaimer is enclosed to avoid any patent term extension that may otherwise apply due to prosecution delay caused by the treatment of the application as abandoned as described in MPEP §711.03(c)(I).

Applicants have enclosed a statement and corroborating evidence to establish nonreceipt of the Notice to File Missing Parts consistent with the showing required by the Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993). In particular, enclosed is a statement of John D. Russell, the responsible practitioner, that the Office communication was not received and that a search of the file jacket and docket records indicates that the Notice to File Missing Parts was never received. A copy of the docket record where the Notice to File Missing Parts would have been entered had it been received is also attached and referenced in Mr. Russell's statement. The actions taken since receiving the Notice of Abandonment are also described.

No fee is believed to be due for this petition according to MPEP §711.03(c)(I). However, any required fee may be charged to Deposit Account 06-1510. The Examiner is respectfully requested to telephone the undersigned to discuss any additional information or evidence needed to grant this petition, or any reasons for denying this petition.

Respectfully submitted,



John D. Russell  
Registration No. 47,048  
Agent for Applicants

Date: December , 2002  
Ford Global Technologies, Inc.  
600 Parklane Towers East  
Dearborn, Michigan 48126  
313-845-1008  
Fax: (313) 322-7162

Enclosures: 1.) Declaration of John D. Russell (Reg. No. 47,048)  
2.) Copy of docket record for relevant time period  
3.) Terminal Disclaimer  
4.) Copy of Notice of Abandonment

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Serial No: 09/681,874

Group Art Unit: Unknown

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Examiner: Unknown

Title: SYSTEM AND METHOD FOR CONTROLLING CATALYST STORAGE CAPACITY

**DECLARATION OF JOHN D. RUSSELL IN SUPPORT OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

**FAX RECEIVED**

**DEC 17 2002**

I, John D. Russell, declare:

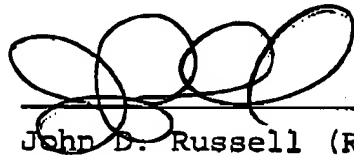
**PETITIONS OFFICE**

1. I am the registered practitioner responsible for the above-identified patent application.
2. I first became aware that the instant application was considered abandoned when a Notice of Abandonment was received on October 8, 2002 (mailed 9/30/02).
3. I promptly searched the file jacket and computer docket records for the instant application looking for a Notice to File Missing Parts as referenced in the Notice of Abandonment, but found none.
4. My administrator promptly contacted the U.S. Patent Office and was directed to Ms. Patricia Ball in the Petitions Office. Ms. Ball ordered the file and returned the call on October 28, 2002. Ms. Ball then faxed a copy of the referenced Notice to File Missing Parts (Attachment A), which indicates that it was mailed on June 29, 2001 with a due date of August 29, 2001.
5. The docket report entitled "Report Terms" and dated 7/24/01 (Attachment B) details the cases having outstanding Notices to File Missing Parts with due dates in August and September, 2001. If the

referenced Notice to File Missing Parts had been received, it would have been docketed by the report date (over 3 weeks later) and would have been listed on this report with the other applications having Missing Parts due on August 29, 2001.

6. As seen in the "Report Terms", the instant application does not appear—indicating that a Notice to File Missing Parts was not received by applicants.

I declare under the penalty of perjury that the foregoing is true and correct.



John D. Russell (Reg. No. 47,048)

December 17, 2002

Date

## ATTACHMENT B

**Report Terms**

Printed by: SCHARLEI

Printed on: 7/24/01

Date from:	<input type="text"/>	Serial-No:	<input type="text"/>	Form:	<input type="text" value="Applications"/>
to:	<input type="text"/>	Patent-No:	<input type="text"/>	Rep. Att:	<input type="text"/>
Deadl. Type:	<input type="text" value="MISS"/>	Country:	<input type="text" value="US"/>	Int. Ref.:	<input type="text" value="US..."/>
Remarks:	<input type="text"/>			Finished:	<input type="text"/> - <input type="text"/>

Due Date Deadline	Deadl. Type Int. Ref.	Serial-No Remarks	Patent-No/Reg-No.	Country Letter	Resp. Att.	Finished Amount Issued by
8/7/01	MISS 7	09/681664 201-0106US... Missing Parts		US	JRUSSE16	
8/13/01	MISS 7	09/681733 200-0598US... Missing Parts		US	DPORCARI	
8/13/01	MISS 7	09/681746 200-1150US... Missing Parts		US	CHANZE	
8/27/01	MISS 7	09/681858 201-0381US... Missing Parts		US	JRUSSE16	
8/27/01	MISS 7	09/681859 201-0407US... Missing Parts		US	JRUSSE16	
8/27/01	MISS 7	09/681860 201-0408US... Missing Parts		US	JRUSSE16	
8/29/01	MISS 7	09/681902 200-0884US... Missing Parts		US	DKELLEY2	
8/29/01	MISS 7	09/681873 200-1280US... Missing Parts		US	JRUSSE16	
9/3/01	MISS 7	09/681870 200-1278US... Missing Parts		US	JRUSSE16	
9/3/01	MISS 7	09/681872 200-1279US... Missing Parts		US	JRUSSE16	
9/3/01	MISS 7	09/681875 200-1282US... Missing Parts		US	JRUSSE16	
9/3/01	MISS 7	09/681876 200-1283US... Missing Parts		US	JRUSSE16	
9/5/01	MISS 7	09/681905 200-1226US... Missing Parts		US	GBEJIN	

Page: 1

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**TERMINAL DISCLAIMER**

The undersigned is an Attorney of Record in the above-identified application.

Ford Global Technologies, Inc. ("Assignee") is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-identified application by virtue of assignment.

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the date 20 years from the filing date of June 20, 2001, or the filing date of the earliest application to which the application specifically refers under 35 U.S.C. §§120, 121, or 365(c), and to any patent granted on any application that claims the benefit of the filing date of the above-identified application under 35 U.S.C. §§120, 121, or 365(c).

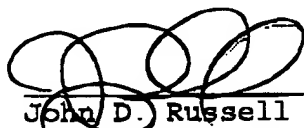
Assignee hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the earliest application to which the application specifically refers under 35 U.S.C. §§120, 121, or 365(c), and to any patent granted on any application that claims the benefit of the filing date of the above-identified application under 35 U.S.C. §§120, 121, or 365(c). This agreement runs with any patent granted on the above-identified application and is to be binding upon the Assignee, its successors and assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of the earliest application to which the above-identified application specifically refers under 35 U.S.C. §§120, 121, or 365(c), and to any patent granted on any application that claims the benefit of the filing date of the above-identified application under 35 U.S.C. §§120, 121, or 365(c) in the event that any: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal

disclaimer, except for the separation of legal title stated above.

Please charge the amount of \$110.00 which represents the filing fee under 37 C.F.R. § 1.20(d) for this Terminal Disclaimer, and any other fees or credits to Deposit Account 06-1510.

Respectfully submitted,



John D. Russell  
Registration No. 47,048  
Attorney/Agent for Applicants

Date: December 17, 2002  
Ford Global Technologies, Inc.  
600 Parklane Towers East  
Dearborn, Michigan 48126  
313-845-1008  
Fax: (313) 322-7162

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/681,874	06/20/2001	Donald James Lewis	200-1281JRD

CONFIRMATION NO. 1549

022844

FORD GLOBAL TECHNOLOGIES, INC  
SUITE 600 - PARKLANE TOWERS EAST  
ONE PARKLANE BLVD.  
DEARBORN, MI 48126

ABANDONMENT/TERMINATION  
LETTER

\*OC000000008872902\*

Date Mailed: 09/30/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/29/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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10/28/02 MON 14:59 FAX

PETITIONS

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20531  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/681,874	06/20/2001	Donald James Lewis	200-1281JRD

022844

FORD GLOBAL TECHNOLOGIES, INC  
600 PARKLANE TOWERS EAST  
ONE PARKLANE BLVD.  
DEARBORN, MI 48126

CONFIRMATION NO. 1549

FORMALITIES LETTER



"OC00000601523285"

Date Mailed: 06/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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